

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL NO. 04-10835-MEL

_____)	
DAVID M. GOLDEN, ET ALS,)	
Plaintiffs,)	<u>PLAINTIFFS' MOTION</u>
)	<u>FOR ORDER COMPELLING DISCOVERY</u>
VS.)	<u>PURSUANT TO F.R. CIV P.</u>
)	<u>RULE 37</u>
COUNTY OF SUFFOLK,)	
Defendant)	
_____)	

Now come the plaintiffs and say that on June 5, 2006 they served the attorney of record for the defendant with the following second request for production of documents pursuant to F.R. Civ P. Rule 34, to wit:

"Request No. 26

A true copy of all Shift Commander's Rap Sheets; Sert Activities Reports; Incident reports; Shift Commanders Logs and daily Shift Events logs made or received by the defendant, its agent(s) and/or employee(s), with regard to any incident of an inmate or detainee of Suffolk House of Correction (SHOC) or Suffolk County Jail (SCJ) being allegedly injured while ascending to or descending from the upper bunk bed(s) located in jail cells at SHOC or SCJ during the period 1994-2004."

And that the defendant has responded to said request as follows:

"Response No. 26

Defendant objects to Request No. 26 on the grounds that it is overly broad, unduly burdensome and unlikely to lead to the discovery of admissible evidence. Without waiving said objection, Defendant refers to documents previously produced and bate stamped 000058-000084."

Following discovery conferences pursuant to U.S.D.C. MA Local

Rule 37.1(A), the defendant has on August 17, 2007 produced responsive documents for the year 2002 only, and thus has not responded to said request for the years 1994-2001, inclusive, and the year 2003.

Your movants state that the documents sought in said request are relevant and material and that said request is not overly broad or unduly burdensome, for the reasons set forth in the accompanying memorandum of reasons in support of this motion.

WHEREFORE, the Plaintiffs demand:

1. This Court to issue an order compelling discovery prior to the filing of any summary judgment motion, as set forth in the Plaintiff's Request for Production of Documents.

2. For such further relief as this Court deems meet and just.

By their attorney,

/S/ ROBERT H. TOBIN, JR.

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Dated:9/7/07

CERTIFICATE OF COMPLIANCE

I, Robert H. Tobin, Jr., attorney for the plaintiffs, hereby certify that the provisions of U.S.D.C. MA Local Rule 37.1(A) have been complied with prior to the filing of the instant motion.

/S/ ROBERT H. TOBIN, JR.